

HON. J. MACHELLE SWEETING
Acting Supreme Court Justice, New York County
City Part, Part 62, E-File
PART RULES

80 Centre Street, Room 279, New York, NY 10013
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- 1) Part Rules as Supplement to Uniform Civil Rules: Effective February 1, 2021, the Uniform Civil Rules of the Supreme Court and County Court (“Uniform Rules”) were amended by Administrative Order 270/2020 from Chief Administrative Judge Marks. The Uniform Rules apply to all cases pending in the City Part, Part 62 (See provision 11 below for more information). The “Part Rules” are a supplement to the Uniform Rules and shall be followed as indicated herein.
- 2) Conferences: All conferences are currently being held via Microsoft Teams. For adjournments or other calendar issues, please contact the Part Clerk (or email Law Secretary BB Liu). Stipulations to adjourn the conferences must include a reason for the adjournment; the number of prior adjournments and the status of the case. To request a conference for any reason, follow the instructions here: <https://www.nycourts.gov/legacypdfs/courts/1jd/supctmanh/PDF/Remote-Conference-Protocol.pdf>. The reason for the conference must be stated with particularity.
- 3) Discovery Motions: No discovery motions shall be filed without first conferencing the matter in good faith with opposing counsel (see Uniform Rules) and a conference with the court.
- 4) Case Scheduling Order: Pursuant to Deputy Chief Administrative Judge for the New York City Courts George J. Silver, as of Monday, October 5, 2020, New York City adopted a uniform case scheduling order in all civil cases where the City of New York is named as a defendant. Such order should be used in Part 62 cases.
- 5) Oral Arguments: Oral arguments are scheduled at the discretion of the court. If the court has not scheduled a motion for oral argument and a party wishes to request oral argument, a letter must be submitted to Chambers as well as to all parties on the matter. If upon a review of the request, the court determines that oral argument is warranted, the parties will be so notified.
- 6) Settlement Authority: Parties appearing on dispositive motions must have settlement authority.
- 7) Motions Withdrawn or Settled: If a motion has been withdrawn or settled, the parties must e-file a Stipulation and advise the Law Secretary via e-mail immediately.
- 8) No courtesy copies: Do NOT send courtesy (paper) copies of any motion papers, affirmations or related documents directly to the Part or Chambers, unless directed to do so.

- 9) EX PARTE COMMUNICATIONS: ARE STRICTLY PROHIBITED. Please do not call or e-mail Chambers or the Part unless all parties participate in the communication. Such communications will not be accepted or reviewed by the court.
- 10) In-camera review of documents: Records submitted for in camera review must include any proposed redactions.
- 11) Uniform Rules Effective February 1, 2021: Pursuant to Administrative Order 270/2020 from Chief Administrative Judge Marks, the Uniform Civil Rules for the Supreme Court and the County Court are amended as of February 1, 2021. The excerpts below are included solely as a courtesy to counsel, and do not remove from counsel the obligation to follow the entirety of the New Uniform Rules:

202.23 Consultation prior to Preliminary and Compliance Conference.

Counsel for all parties shall consult prior to a preliminary or compliance conference about (i) resolution of the case, in whole or in part: (ii) discovery, including discovery of electronically stored information, and any other issues to be discussed at the conference. (in) the use of alternate dispute resolution to resolve all or some issues in the litigation: and (iv) any voluntary and informal exchange of information that the parties agree would help aid early settlement of the case. Counsel shall make a good faith effort to reach agreement on these matters in advance of the conference.

Section 202.20-c Requests for Documents.

(a) For each document request propounded, the responding party shall, in its Response and Objections served pursuant to CPLR 3122(a) (the "Response"), either: (1) state that the production is made as requested: or (2) state with reasonable particularity the grounds for any objection to production.

Section 202.20-f Disclosure Disputes.

(a) To the maximum extent possible, discovery disputes should be resolved through informal procedures, such as conferences, as opposed to motion practice.

(b) Absent exigent circumstances, prior to contacting the court regarding a disclosure dispute. counsel must first consult with one another in a good faith effort to resolve all disputes about disclosure. Such consultation must take place by an in-person or telephonic conference. In the event that a discovery dispute cannot be resolved other than through motion practice. each such discovery motion shall be supported by an affidavit or affirmation from counsel attesting to counsel having conducted an in-person or telephonic conference, setting forth the date and time of such conference, persons participating, and the length of time of the conference. The unreasonable failure or refusal of counsel to participate in a conference requested by another party may relieve the requesting party of the obligation to comply with this paragraph and may be addressed by the imposition of sanctions pursuant to Part 130. If the moving party was unable to conduct a conference due to the unreasonable failure or refusal of an adverse party to participate, then such moving party shall, in an affidavit or affirmation, detail the efforts made by the moving party to obtain such a conference and set forth the responses received.

(c) The failure of counsel to comply with this rule may result in the denial of a discovery motion. without prejudice to renewal once the provisions of this rule have been complied with, or in such motion being held in abeyance until the informal resolution procedures of the court are conducted.

Section 202.8-d. Orders to Show Cause.

Motions shall be brought on by order to show cause only when there is genuine urgency (e.g. applications for provisional relief), a stay is required or a statute mandates so proceeding. See Section 202.8-e. Absent advance permission of the court, reply papers shall not be submitted on orders to show cause.

Section 202.8-f. Oral Argument.

(a) Each court or court part shall adopt a procedure governing request for oral argument of motions, provided that, in the absence of the adoption of such a procedure by a particular court or part, the provisions of paragraph (b) shall apply. The procedure to be adopted shall set forth whether oral argument is required on all motions or whether the court will determine, on a case-by-case basis, whether oral argument will be heard and how counsel shall request argument and, if oral argument is permitted, when counsel shall appear,

(b) Any party may request oral argument of a motion by letter accompanying the motion papers. Notice of the date selected by the court shall be given, if practicable, at least 14 days before the scheduled oral argument. At that time, counsel shall be prepared to argue the motion, discuss resolution of the issue(s) presented and/or schedule a trial or hearing. (c) Oral arguments may be conducted by the court by electronic means.